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Michigan Department of Environmental Quality
Certification under Section 401 of the Federal Clean Water Act

In the matter of: Maintenance Dredging of Presque Isle Harbor and
Open Water Disposal Project
Marquette County, Michigan
Department of the Army
Detroit District, Corps of Engineers

The Michigan Department of Environmental Quality (MDEQ) certifies that the proposed maintenance dredging by the United States Army Corps of Engineers (USACE) in Presque Isle Harbor and open water disposal will comply with Section 401 of the federal Clean Water Act and the Michigan Water Quality Standards provided that the conditions set forth in this Section 401 Water Quality Certification (Certification) are met. This Certification is based on the June 17, 2016, request from the USACE and information provided with that request.

Certification Conditions:

1. The Upper Peninsula District Supervisor, Water Resources Unit, MDEQ, shall be notified at 906-250-6176, 48 hours prior to the commencement of dredging operations in Presque Isle Harbor.
2. The dredging operation shall be limited to the boundaries of the Presque Isle Harbor Maintenance Dredging area as defined in Figure 1. The open water disposal location shall be restricted to the following boundaries (SE Corner 46.571615, -87.349635; NE Corner 46.578854, -87.349682; NW Corner 46.578811, -87.363849; SW Corner 46.571586, -87.362926), at a depth greater than 30 meters deep. This location is approximately one nautical mile southeast of Presque Isle, near Marquette, Michigan, in Lake Superior (Figure 1). This Certification authorizes only material from the Presque Isle Federal Harbor to be placed at this open water disposal location.
3. Prior to each year of maintenance dredging and potential open water disposal, the USACE shall conduct sediment testing to insure the dredge material is suitable for open water disposal at the location described in this Certification. Results of the sediment quality testing shall be submitted to the Upper Peninsula District Supervisor, Water Resources Unit, MDEQ, at least 30 days prior to the commencement of dredging for review and approval for open water disposal.
4. During dredging, the resuspension of silt, other fine particles or materials, oils, and films shall be maintained below quantities that are, or may become, injurious to any designated uses by careful equipment operation and, if necessary, the use of an environmental bucket or hydraulic dredge, floating booms, silt curtains or screens, and other suitable means.
5. The application of dredged materials to the open water shall not have any unnatural physical properties (turbidity, color, oil film, floating solids, foams, settleable solids, suspended solids, or deposits) in quantities that are, or may become, injurious to any designated uses. Any unusual characteristics of the discharge shall be reported immediately to the Upper Peninsula District Supervisor, Water Resources Unit, MDEQ, followed by a written report within 10 days detailing the findings of the investigation and steps taken to correct the condition(s).

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6. It is the duty of the USACE to comply with all terms and conditions of this Certification. Any noncompliance with the conditions or terms of this Certification constitutes a violation of the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and/or the Federal Water Pollution Control Act and constitutes grounds for enforcement action; Certification termination; revocation, reissuance, or modification; or denial of a future application.

7. Civil and Criminal Liability

Nothing in this Certification shall be construed to relieve the USACE from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond the USACE's control, such as accidents, equipment breakdowns, labor disputes, or contractor performance.

8. Oil and Hazardous Substance Liability

Nothing in this Certification shall be construed to preclude the institution of any legal action or relieve the USACE from any responsibilities, liabilities, or penalties to which the USACE may be subject under Section 311 of the Federal Water Pollution Control Act except as are exempted by federal regulations.

9. State Laws

Nothing in this Certification shall be construed to preclude the institution of any legal action or relieve the USACE from any responsibilities, liabilities, or penalties established pursuant to any applicable state or federal law.

10. Natural Resources Damages and Penalties

The state reserves the right to seek civil and/or criminal penalties and liabilities under applicable law for natural resource damages that may occur.

11. Certifications and Approvals

Nothing herein shall relieve the USACE from the requirement to obtain any other necessary state, federal, or local permits, including other permits from the MDEQ, certifications, licenses, or approvals for the beach application of dredge materials and navigational dredging operations.

This certification will expire five years from the date of issuance.

Robert Day, Acting Chief
Surface Water Assessment Section
Water Resources Division
Michigan Department of Environmental Quality

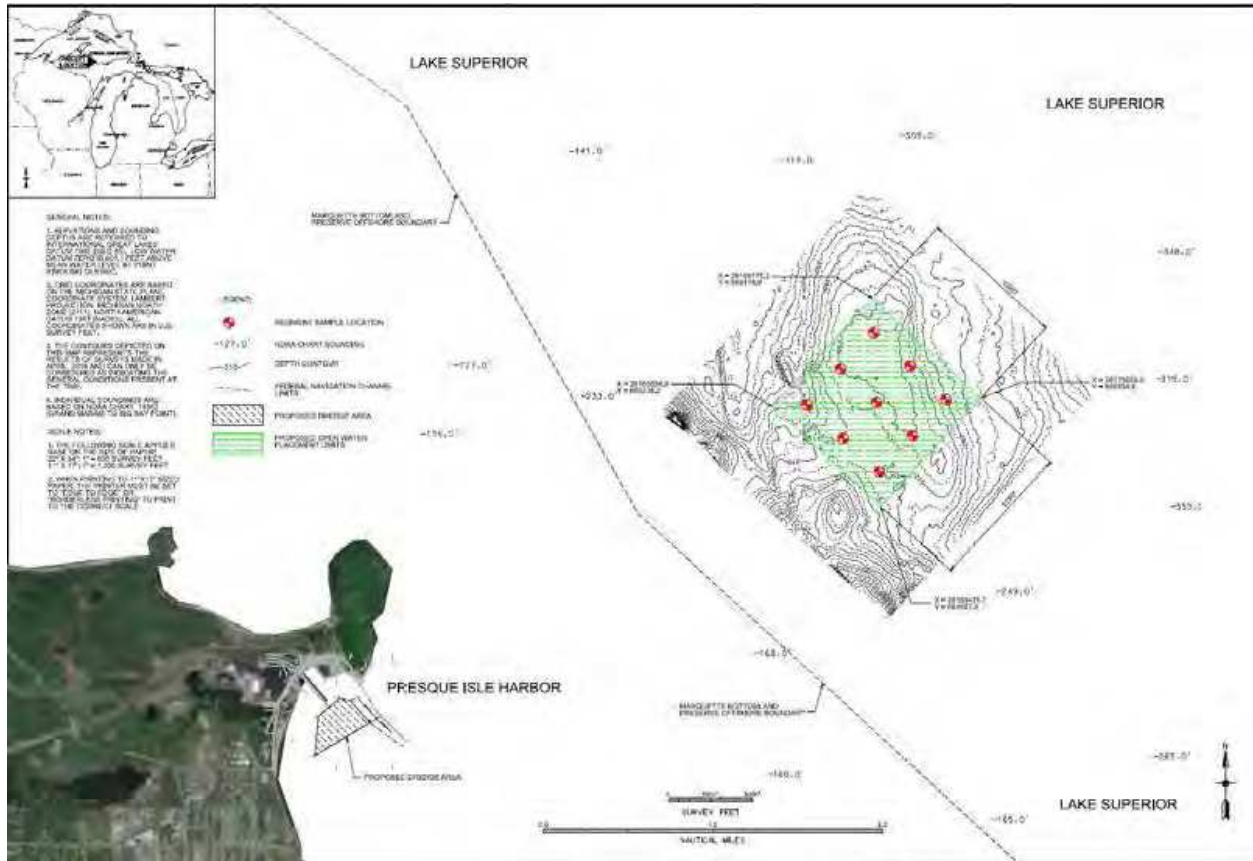


Figure 1. Proposed maintenance dredging area within the Presque Isle Federal Harbor and open water disposal area, in the vicinity of Marquette, Michigan.